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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,685	09/28/2001	Shawn Dominic Loveland	13768.233	5018
47973 7590 01/18/2007 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER LIN, WEN TAI	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/18/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/966,685

Applicant(s)

LOVELAND ET AL.

Examiner

Wen-Tai Lin

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2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 and 16-32 are presented for examination. Claims 31-32 are newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-3, 5-13, 16-23 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Parsons et al.[U.S. PGPub. 20020085701].
4. As to claim 1, Parsons teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to particular designated devices in response to detected events, a method for the notification mechanism notifying a user of an event in a context sensitive manner [Abstract; paragraphs 6-7; Fig. 2], the method comprising the following:
 - an act of detecting an event which requires a notification be dispatched to the user at a particular designated device;

upon identifying the particular designated device to dispatch the notification to and upon detecting the event, an act of accessing a current context of the user corresponding to a user status at the particular designated device;

an act of identifying a plurality of possible notification methods to use in order to dispatch the notification to the particular designated device, and determining, based on the current context of the user with the particular designated device, which of the plurality of notification methods to use to provide the notification to the user at the particular designated device; and an act of causing the notification to be dispatched to the particular designated device of the user using the identified notification method.

[Abstract; paragraphs 41, 64 and 76; and claims 22 and 31-32].

5. As to claim 2, Parsons further teaches that the method comprising an act of supporting a plurality of response actions that may be desired in response to the notification [e.g., paragraph 64; i.e., a cell phone that support voice communication as well as text SMS messages].

6. As to claim 3, Parsons further teaches that the method comprising the following: an act of receiving a user-selection of at least one of the response actions [i.e., for a cell phone capable of receiving text SMS; the use also has the choice of responding with a returned phone call or text messages].

7. As to claims 5, 7-8 and 11-12, Parsons further teaches that the plurality of possible notification methods include at least a voice notification method and a visual notification method, wherein the act of identifying one of the plurality of possible notification methods comprises an act of identifying the visual notification method based on the current context of the user, and the visual notification method includes a text notification method [e.g., paragraphs 64; Fig. 4D].

8. As to claim 6, Parsons further teaches that the act of identifying one of the plurality of possible notification methods comprises an act of identifying the voice notification method based on the current context of the user [paragraph 76; Fig. 4I].

9. As to claims 9-10, Parsons further teaches that the text notification method includes a notification method that uses text messages of limited size [e.g., paragraph 64, wherein SMS messages are limited in size].

10. As to claim 13, Parsons further teaches that that the act of accessing a set of rules that define what notification method to use given the current context of the user [e.g., paragraphs 29 and 37, wherein "options" are results of inherent rules].

11. As to claim 21, Parsons further teaches that the method includes an act of causing an audible notification to be dispatched to the user using a telephone network [e.g., paragraph 76].

12. As to claim 22, Parsons further teaches that the act of causing an audible notification to be dispatched to the user using a telephone network comprises the following: an act of dispatching a text message to a telephone server, the text message including instructions to dispatch a voice message to the user [e.g., 202, 208, 214 Fig.2; paragraphs 36-38].

13. As to claim 29, Parsons further teaches that the current context includes at least one of a busy and not busy status of the particular designated device [e.g., paragraphs 5-6 and 76].

14. As to claim 30, Parsons teaches several operation modes of a telephone that could be used for dealing with presence state [e.g., paragraph 5]. Parsons does not teach that the current context includes a hands free status of the particular designated device.

However Murray teaches that cellular phones have been designed with “hands-free” mode of operation using a full-duplex speakerphone, which is particularly useful when the user’s hands are busy for something else (such as driving) [Murray: paragraph 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the “hands-free” mode as a presence state indicating

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that the cell phone user could only accept voice communication because it enables Parsons's notification server to choose voice as notification method.

15. As to claims 16-20, 23 and 26-28, since the features of these claims can also be found in claims 1-3, 13 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-3, 13 and 21-22 above.

Claim Rejections - 35 USC § 103

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al. (hereafter "Parsons") [U.S. PGPub. 20020085701], as applied to claims 1-3, 5-13, 16-23 and 26-29 above.

17. As to claim 4, Parsons does not specifically teach that the response is issued by the user in the same manner the user received the notification.

However, such a feature is obvious to one of ordinary artisan that a user would make use of the existing device, through which the notification is delivered, to perform a response. For example, if in special occasions such as meeting or in places where maintaining silence is a courtesy, the user who chooses to receive notification in the form of text messages through his/her cell phone tends to respond in the same manner as the information is received (i.e., using text messages).

18. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al.(hereafter "Parsons")[U.S. PGPub. 20020085701], as applied to claims 1-13, 16-23 and 26-29 above, further in view of Menard et al.(hereafter "Menard")[U.S. PGPub. 20020177428].

19. As to claims 24-25, Parsons teaches that authenticating a cellular phone user [e.g., paragraphs 28 and 52; 118, Fig.1]. Parsons does not specifically teach that the telephone services include a voice print authentication service for authenticating the user as the intended recipient of the notification based on the voice print.

However, voice print authentication method is well known and can be found in prior art such as Menard (see Abstract and claim 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to authenticate a message recipient with voice print because it is convenient and effective for cell phone users in particular when driving.

20. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons et al.(hereafter "Parsons")[U.S. PGPub. 20020085701], as applied to claims 1-13 and 16-29 above, further in view of Murray [U.S. PGPub. 20020123329].

21. As to claim 30, Parsons teaches several operation modes of a telephone that could be used for dealing with presence state [e.g., paragraph 5]. Parsons does not

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teach that the current context includes a hands free status of the particular designated device.

However Murray teaches that cellular phones have been designed with “hands-free” mode of operation using a full-duplex speakerphone, which is particularly useful when the user’s hands are busy for something else (such as driving) [Murray: paragraph 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the “hands-free” mode as a presence state indicating that the cell phone user could only accept voice communication because it enables Parsons’s notification server to choose voice as notification method.

22. Applicant's arguments with respect to claims 1-13 and 16-30 on 11/21/2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 12, 2007



1/12/07